WP 1468 (SB) of 2002

Hon'ble P.C. Verma, J.

Hon'ble Irshad Hussain, J.

Heard Sri D.S. Patni, learned Counsel for the review petitioner.

We find no merit in the review petition and the same is dismissed.

Dt.: 25.09.2004 Sd/-

ISB

Court No.2

Writ Petition No. 1468 (S/B) of 2001

Vinod Kumar ……. Petitioner.

Versus

U.P. Jal Nigam and others ……... Respondents.

……..

Hon'ble P.C. Verma, J.
Hon'ble Irshad Hussain, J.

The petitioner is an Assistant Engineer in Jal Nigam. The Board of the Jal Nigam took a policy decision for creating a Hill Sub Cadre in the year 1993 and to enforce the said decision, circular was issued on 04.06.1994, inviting option of the candidates willing to be absorbed in the Hill Sub Cadre. The last date given for option was 15.05.1999. The petitioner applied for absorption in Hill Sub Cadre on 24.05.1997. The case of the petitioner was not considered on the ground that the option was not exercised by the cut off date.

Learned counsel for the petitioner submits that Board has framed Regulations as Uttar Pradesh Jal Nigam Hill Sub Cadre Regulations, 1988. After the enforcement of the Regulations, again options were invited by Circular dated 20.01.1999. He further submitted that his option exercised in the year 1996 could be accepted after the enforcement of Regulations of 1998.

The learned counsel for the Jal Nigam, submits that since the Circular dated 20.01.1999, which was issued after enforcement of Regulations, 1998, had been stayed by the High Court of Uttar Pradesh at Lucknow, no further steps could be taken by the Jal Nigam.

As we have seen from the facts narrated above, the petitioner had exercised his option prior to the enforcement of Hill Sub Cadre Regulations, 1998 and his option could have been proceeded with as it was not exercised in pursuance of the Circular issued on 20.01.1999

which was said to have been stayed by the High Court. Thus, the Jal Nigam is directed to consider the case of the petitioner treating the petitioner as absorbed in Jal NIgam and to accord him Hill Cadre, giving him all the consequential benefits thereof.

The writ petition is accordingly allowed.

29.10.2002 **Sd/-** **Sd/-**
P.Singh.